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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 07/14/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,689

Applicant(s)

POTTER, DANNY E.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-84 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 33-84 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 33-34, 38-42, 46-51 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (US 4,850,005) in view of Weller et al. (US 6,266,399).

Regarding **claims 33 and 41**, a method of operating a telephone-answering device, comprising of: answering an incoming call, playing an outgoing message to the caller, in response to a code playing a message stored in a storage location and providing options to leave a message at the telephone-answering device.

Hashimoto discloses upon detecting a call signal plays a general outgoing message identifying the company and also requesting the name of the caller (column 5, lines 22-42), in response to the calling party identification determines the associated code from the voice pattern (column 5, lines 48-68), the message associated with the code is selected to be played to the caller (column 6, lines 3-17), the option is provided to the caller to leave a message if the system does not recognized the caller.

Hashimoto discloses the caller voices his name and determines the code associated with the messages but fails to disclose receiving a code on the telephone line.

However, Weller teaches a specific outgoing message is played to the caller when the caller input a special code “*4567” (column 4, lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto using the input code as taught by Weller.

This modification of the Hashimoto’s invention would offer the capability of hearing an outgoing message for the selected voice mailbox so that the first outgoing message would be played to the caller.

Regarding **claims 34, 42 and 51**, Hashimoto discloses the system prompts the caller to leave a message after five minutes if the calling party is not recognized or absence of responses from the calling party, and records the message to completion (column 6, lines 11-25).

Regarding **claims 38 and 46**, Hashimoto discloses a memory storage that includes multiple storages RAM(2)-RAM(3) to record the codes with the associated messages (column 6, lines 3-17).

Regarding **claims 39, 47 and 50**, Hashimoto discloses playing a beep on the telephone line before a message has previously been recorded (column 3, lines 24-37).

Regarding **claims 40, 48 and 55**, Hashimoto discloses receiving a telephone number in response to the outgoing message and the DMF tone is detected wherein the code comprises at least one dual-tone multi-frequency tone (column 7, lines 8-23).

Regarding **claim 49**, Hashimoto discloses all the limitations of **claim 49** as stated above in **claim 33**'s rejection and further more discloses a line monitoring circuit as a control circuit (1 on FIG. 1a) connecting to telephone lines L1 and L2 (L1 and L2 on FIG. 1a) and a dynamic access memory (RAM-1 on FIG. 1b) used as a storage to store a general outgoing message and specific messages for callers (column 2, lines 31-41).

3. **Claims 35-37, 43-45, 52-54 and 57-83** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Weller and in further view of Miner et al. (US 6,021,181).

Regarding **claims 57 and 66**, a method of operating a telephone-answering device, which is comprised of: answering an incoming call, playing an outgoing message to the caller, in response to a code playing a message thread stored in a storage location.

Hashimoto discloses upon detecting a call signal plays a general outgoing message identifying the company and also requesting the name of the caller (column 5, lines 22-42), in response to the calling party identification determines the associated

code from the voice pattern (column 5, lines 48-68), the message associated with the code is selected to be played to the caller (column 6, lines 3-17), the option is provided to the caller to leave a message if the system does not recognize the caller.

Hashimoto discloses the caller voices his name and determines the code associated with the messages but fails to disclose receiving a code on the telephone line.

However, Weller teaches a specific outgoing message is played to the caller when the caller input a special code “*4567” (column 4, lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto using the input code as taught by Weller.

This modification of the Hashimoto's invention would offer the capability of hearing an outgoing message for the selected voice mailbox so that the first outgoing message would be played to the caller.

Hashimoto discloses playing the associated message in response to a name but fails to disclose playing a message thread in the message storage.

However, Miner teaches playing a thread message on request from the subscriber (column 13, lines 30-37).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto using the assistant as taught by Miner.

This modification of the Hashimoto's invention would offer the capability of the electronic assistant to play the reply so that the subscriber would listen to the reply of its messages.

Regarding **claims 35-36, 43-44, 52-53, 59-60 and 68-69**, Miner teaches a reply filed to link newer messages back to the older messages for wish they represent a reply (column 14, lines 52-63).

Regarding **claims 37, 45 and 54**, Miner teaches a throw away command which allows the user to delete the current message from the pile (column 10, lines 33-41).

Regarding **claims 58 and 67**, Hashimoto discloses the system prompts the caller to leave a message after five minutes if the calling party is not recognized or absence of responses from the calling party, and records the message to completion (column 6, lines 11-25).

Regarding **claims 61 and 70**, Miner teaches tell me more command, which allows the user to have more information on a message (column 10, lines 20-31).

Regarding **claims 62-65, 71-74 and 77-83**, Miner teaches a flag that determines if the message is new to be stored or old to be deleted so that there is at least two messages a message and a reply (column 14, lines 34-51).

Regarding **claim 75**, Hashimoto discloses all the limitations of **claim 75** as stated above in **claim 57's** rejection and further more discloses a line monitoring circuit as a control circuit (1 on FIG. 1a) connecting to telephone lines L1 and L2 (L1 and L2 on

FIG. 1a) and a dynamic access memory (RAM-1 on FIG. 1b) used as a storage to store a general outgoing message and specific messages for callers (column 2, lines 31-41).

Regarding **claim 76**, Hashimoto discloses playing a beep on the telephone line before a message has previously been recorded (column 3, lines 24-37).

4. **Claim 56** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Weller and in further view of Bates et al. (US 6,741,680).

Regarding **claim 56**, Hashimoto and Weller as applied to **claim 49** above differs from **claim 56** in that it fails to disclose a group consists of a random access memory, a magnetic tape and digital storage media.

However, Bates teaches a random access memory (104 on FIG. 1), a magnetic tape and digital media transmission type for storage medium (column 9, lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto using the storage medium as taught by Bates.

This modification of the Hashimoto's invention would offer the capability of the saving the messages different ways so that the subscriber would listen to its messages.

5. **Claim 84** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto in view of Weller, in view of Miner and in further view of Bates.

Regarding **claim 84**, Hashimoto, Weller and Miner as applied to **claim 75** above differs from **claim 84** in that it fails to disclose a group consists of a random access memory, a magnetic tape and digital storage media.

However, Bates teaches a random access memory (104 on FIG. 1), a magnetic tape and digital media transmission type for storage medium (column 9, lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hashimoto using the storage medium as taught by Bates.

This modification of the Hashimoto's invention would offer the capability of the saving the messages different ways so that the subscriber would listen to its messages.

Response to Arguments

6. Applicant's arguments with respect to **claims 33-84** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.

July 6, 2004

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